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In re Application of DZERMEJKO et al
U.S. Application No.: 10/070,738
Int. Application No.: PCT/EP00/03505
Int. Filing Date: 13 April 2000
Priority Date: 20 April 1999
Attorney Docket No.: APV31549

For: COOLING PANEL FOR A SHAFT FURNACE,
SHAFT FURNACE PROVIDED WITH
COOLING PANELS OF THIS NATURE,
AND A PROCESS FOR PRODUCING SUCH
A COOLING PANEL

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This is in response to applicant's "Petition to Revive for Unintentional Abandonment Under 37 CFR 1.137(b)" filed 12 March 2002.

BACKGROUND

On 13 April 2000, applicant filed international application PCT/EP00/03505, which claimed priority of an earlier Netherlands application filed 20 April 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 26 October 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 18 October 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 22 October 2001 (20 October 2001 was a Saturday).

International application PCT/EP00/03505 became abandoned as to the United States at midnight on 22 October 2001 for failure to pay the basic national fee.

On 12 March 2002, applicant filed the present petition. The petition states that it is accompanied by a proper response under 35 U.S.C. 371, the petition fee set forth in 37 CFR 1.17(m), and a statement that abandonment of the application was unintentional.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required basic national fee under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

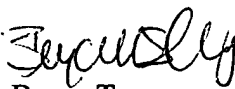
With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be submitted.


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